

### **Remarks/Arguments**

Claims 1-20 are pending in this Application. In the Office Action mailed October 6, 2004, the Examiner requested the claims be restricted to one of two inventions that include:

- I. Claims 1-18 drawn to an apparatus for delivering medicine to one or more tissues, classified in class 222, subclass 383.1;
- II. Claims 19 and 20, drawn to a method for administering one or more medications to one or more tissues, classified in class 604, subclass 200.16;

Applicants respectfully address the basis for the Examiner's restriction below.

### ***Restriction/Election***

On page 2 of the Office Action, the Examiner requested that the claims be restricted to one two inventions. Applicants hereby provisionally elect invention I—Claims 1-18, drawn to an apparatus for delivering medicine to one or more tissues—with traverse for continued prosecution. It is requested that Claims 19 and 20 be withdrawn from further prosecution; any claim cancellation will be made upon the filing of a divisional application.

Traversal is argued on the grounds that a thorough search of the subject matter of Claims 19-20 drawn to a method for administering one or more medications to one or more tissue would necessarily include art class 222, subclass 383.1 (Dispensing: Container-mounted pump). As such, examination of claims 19-20 on the merits would impose no additional burden on the Patent Office. *See* MPEP 803.

Applicants also request entry of new Claims 21-29, added to fairly protect the instant invention. No new matter is submitted with new Claims 21-29. Applicants respectfully submit that new Claims 21-29 are in allowable form and requests their consideration and allowance.

### Conclusion

In light of the remarks and arguments presented above, Applicants respectfully submit that the pending claims in the Application are in condition for allowance. With this Amendment, Applicants also respectfully submit new Claims 21-29. New Claims 21-29 are believed to be in allowable form. Favorable consideration for and allowance of pending Claims 1-18 and new Claims 21-29 are therefore respectfully requested.

Applicants hereby authorize the Commissioner to charge any fees, other than the issue fee, that may be required by this paper to Deposit Account 07-0153.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Respectfully submitted,

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